

Hearing Date: January 12, 2022 at 11:30 a.m. (EDT)
Objection Deadline: January 5, 2022

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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Chapter 11

IN RE:

**ABSOLUT FACILITIES
MANAGEMENT, LLC, ET AL.,**

Debtors¹.

Case Nos.	19-76260-ast
	19-76263-ast
	19-76267-ast
	19-76268-ast
	19-76269-ast
	19-76270-ast
	19-76271-ast
	19-76272-ast

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**AMENDED NOTICE OF HEARING AND MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C.
§362(d) PURSUANT TO 11 U.S.C. §361**

PLEASE TAKE NOTICE that upon the annexed motion, Deborah Fetterly (“Movant”), by and through her attorneys Simon PLC Attorneys & Counselors, will move this Court at the United States Bankruptcy Court, U.S. Courthouse, Alfonse M. D’Amato Federal Courthouse 290 Federal Plaza, Central Islip, New York 11722 on January 12, 2022, at 11:30 a.m., or as soon thereafter as counsel may be heard, for an Order:

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Absolut Facilities Management, LLC (1412); Absolut Center for Nursing and Rehabilitation at Allegany, LLC (7875); Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC (8266); Absolut Center for Nursing and Rehabilitation at Gasport, LLC (8080); Absolut at Orchard Brooke, LLC (1641); Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (8300); Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC (8133); and Absolut Center for Nursing and Rehabilitation at Westfield, LLC (7924).

1. Pursuant to 11 U.S.C. § 362 and Bankruptcy Rule 4001, granting Movant's relief from the automatic stay to pursue a claim against the two (2) of the jointly administered Debtors, in particular, **Absolut At Aurora Park, LLC and Absolut Center For Nursing & Rehabilitation At Aurora Park, LLC**, in a civil action currently pending in the Supreme Court of the State of New York, County of Erie, styled Deborah Fetterly, Plaintiff, v. 292 Main Street, LLC, Absolut At Aurora Park, LLC and Absolut Center For Nursing & Rehabilitation At Aurora Park, LLC, Defendants, Index No.: 807080/2019.

2. Granting Movant such other relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that any responsive papers should be filed with the Court, no later than seven (7) days prior to the return date set forth above.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion, if any, must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Eastern District of New York, and shall be (a) filed with the Bankruptcy Court electronically in accordance with General Order 599 (which can be found at www.nyeb.uscourts.gov), and (b) served on (i) Simon PLC Attorneys & Counselors, counsel to Deborah Fetterly (Attn: Craig T. Mierzwa, Esq., 845 Third Avenue, 6th Floor, New York, NY 10021); and (ii) Office of the U.S. Trustee, Eastern District of New York, Central Islip Office, Alfonse M D'Amato U.S. Courthouse, 560 Federal Plaza, Central Islip, NY 11722 so as to be so filed and received no later than January 5, 2022 (the "Objection Deadline").

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served, the Court may grant the relief requested in the Motion without a hearing.

PLEASE TAKE FURTHER NOTICE that due to COVID-19 all hearings before Honorable Alan S. Trust will be conducted telephonically until further notice. All parties,

including attorneys, clients, and pro se parties, may appear telephonically in accordance with the instructions below. Parties do not need to contact the Courtroom Deputy to request prior authorization to appear telephonically.

All parties must email the Courtroom Deputy at: ast_hearings@nyeb.uscourts.gov at least 24 hours in advance of the scheduled hearing to identify the parties that will appear. All attorneys must also identify the party the attorney represents. Please note that you should call in for the time in which your hearing is scheduled. Additionally, depending on where your case is on the calendar, you may have to wait a little while, so please put your phone on mute until your case is called.

Dated: December 21, 2021

SIMON PLC ATTORNEYS & COUNSELORS

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